IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

A. O. NO. 679 OF 2006

Shri Machindranath Ganpat Tule . ... Appellants
VS.
The Municipal Corporation of Gr. Mumbai ... ... Respondent

Mr. M. A. Attar for appellant
Ms. N. Daphade for BMC.

CORAM: D. G. KARNIK **J.**
DATE:20th September 2006

P.C.:

1. Heard learned counsel for the parties.

2. This appeal is directed against the order dated 18th September 2006 passed by the City Civil Court refusing to issue an ad interim order of injunction. I am not inclined to interfere in the decision of the trial court for the reasons mentioned below.

3. The order in question is an interim order. In my view the appellant has not made out strong prima facie case for grant of ad interim order of injunction. The learned judge has referred to and relied upon certain documents, copies of which are annexed to this appeal. There is no evidence to

show that the existence of the structure is prior to 1.1.1995. As per the Government policy unauthorized hutments erected after 1.1.1995 are not protected.

4. In the circumstances I do not think it appropriate to interfere in the discretion exercised by the trial court.

5. Appeal is dismissed summarily.

(D.G. KARNIK J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
Civil application No. 912 of 2006
in

A. O. NO. 679 OF 2006

Shri Machindranath Ganpat Tule . ... Appellants
VS.
The Municipal Corporation of Gr. Mumbai ... ... Respondent

Mr. M. A. Attar for appellant
Ms. N. Daphade for BMC.

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Civil application No.

In view of the dismissal of the appeal this civil application does not survive and is disposed of.

(D.G. KARNIK J.)